



City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

August 25, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special exception for the operation of an eating and drinking establishment at 319 Granby Street – 319 Bacon**

Reviewed:

Ward/Superward: 2/6

Ronald H. Williams, Jr., Deputy City Manager

Approved:

Item Number:

R-8

Marcus D. Jones, City Manager

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – eating and drinking establishment.
- IV. **Applicant:** Daniel Nin
- V. **Description:**
 - This request is to open a new restaurant serving alcoholic beverages for on-premises consumption.
 - The proposed location was previously occupied by Catania Pizza.

	Proposed
Hours of Operation	8:00 a.m. until 2:00 a.m., Seven days a week
Hours for the Sale of Alcoholic Beverages	10:00 a.m. until 2:00 a.m., Seven days a week
Capacity	32 seats indoors 10 seats outdoors 49 total capacity

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated July 23, 2015 with attachments
- Proponents and Opponents
- Ordinance

Proponents and Opponents

Proponents

None

Opponents

None



City of NORFOLK

Planning Commission Public Hearing: July 23, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff Planner: Chris Whitney, CFM

Staff Report	Item No. 5	
Address	319 Granby Street	
Applicant	319 Bacon	
Request	Special Exception	Eating and Drinking Establishment
Property Owner	Armistead W. Dey, Jr.	
Site Characteristics	Site Area/Space	1,400 square feet
	Zoning	D-3 (Freemason/Granby Conservation and Mixed Use) and HO-D (Downtown Historic Overlay)
	Neighborhoods	Downtown
	Character District	Downtown
Surrounding Area	North	D-3: A Latte Café
	East	D-3: FM Restaurant
	South	D-3: Tidewater Community College
	West	D-3: Freemason Street Garage



A. Summary of Request

- This request is to open a new restaurant serving alcoholic beverages for on-premises consumption.
- The proposed location was previously occupied by Catania Pizza.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as downtown.

C. Zoning Analysis

i. General

- The site is located in the D-3 district, which permits the proposed use by special exception.
- The applicant received approval by the Architectural Review Board on May 21, 2015 for the design of the proposed façade renovations.

	Proposed
Hours of Operation	8:00 a.m. until 2:00 a.m., Seven days a week
Hours for the Sale of Alcoholic Beverages	10:00 a.m. until 2:00 a.m., Seven days a week
Capacity	32 seats indoors 10 seats outdoors 49 total capacity

ii. Parking

The site is located within the D-3 zoning district, which does not require off-street parking.

iii. Flood Zone

The property is located in the X and X (Shaded) Flood Zones, which are low-risk flood zones.

D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that this restaurant will generate 150 vehicle trips per day.
- The site is near transit service with the Monticello Avenue TIDE light rail station located approximately one block east.

E. Impact on the Environment

There are currently no opportunities for landscaping site improvements to this existing building.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

The application was sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on June 10.

I. Communication Outreach/Notification

- Legal notice was posted on the property on June 16.
- Letters were mailed to all property owners within 300 feet of the property on July 10.
- Legal notification was placed in *The Virginian-Pilot* on July 9 and July 16.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment shall be from 8:00 a.m. until 2:00 a.m., seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours of operation for the sale of alcoholic beverages shall be from 10:00 a.m. until 2:00 a.m., seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (c) The seating for the establishment shall not exceed 32 seats indoors, 10 seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner,

whichever is earlier.

- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (l) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate,

rent, or host any event on the premises.

- (n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments:

Location Map

Zoning Map

1000' radii map of similar ABC establishments

Application

Notice to the Downtown Norfolk Civic League and Downtown Norfolk Council

Proponents and Opponents

Proponents

None


Opponents

None

07/21/2015

Form and Correctness Approved: 

Contents Approved: CW

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT KNOWN AS "319 BACON" ON PROPERTY LOCATED AT 319 GRANBY STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to 926 Food Innovation, Inc. authorizing the operation of an eating and drinking establishment named "319 Bacon" on property located at 319 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 55 feet, more or less, along the western line of Granby Street beginning 218 feet, more or less, from the southern line of West Freemason Street and extending southwardly; premises numbered 319 Granby Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 8:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein is permitted.
- (b) The hours for the sale of alcoholic beverages shall be limited to 10:00 a.m. until 2:00 a.m. the following morning, seven days per week. No sales of alcoholic beverages outside of the hours listed herein is permitted.
- (c) The seating for the establishment shall not exceed 32 seats indoors, 10 seats outdoors, and the total occupant capacity, including employees, shall not exceed 49 people.

- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to

operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (l) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and

specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

(j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

(k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (3 pages)



EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date _____

Trade name of business 319 Bacon

Address of business 319 GRANBY ST Norfolk, Va

Name(s) of business owner(s)* 926 FOOD INNOVATION, INC / Daniel Han 1015 02150010

Name(s) of property owner(s)* AFR, LLC / "TED" DEY, ARMISTEAD

Daytime telephone number (757) 995 3088

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility		Alcoholic Beverage Sales	
Weekday	From <u>8am</u> To <u>2am</u>	Weekday	From <u>10am</u> To <u>2am</u>
Friday	From <u>8am</u> To <u>2am</u>	Friday	From <u>10am</u> To <u>2am</u>
Saturday	From <u>8am</u> To <u>2am</u>	Saturday	From <u>10am</u> To <u>2am</u>
Sunday	From <u>8am</u> To <u>2am</u>	Sunday	From <u>10am</u> To <u>2am</u>

2. Type of ABC license applied for (check all applicable boxes)
☒ On-Premises ☐ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for
☒ Beer ☒ Wine ☒ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?
(Entertainment consists of anything more than one, unamplified musician)
☐ Yes (Different application required) ☒ No

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday

Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☒ No

7a. If yes, explain

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

8a. If yes, explain

9. Will there ever be a minimum age limit?
☐ Yes ☒ No

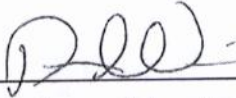
Exhibit A – Page 3

Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

PAN 2 restaurants & food Retail Before

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

DEPARTMENT OF CITY PLANNING

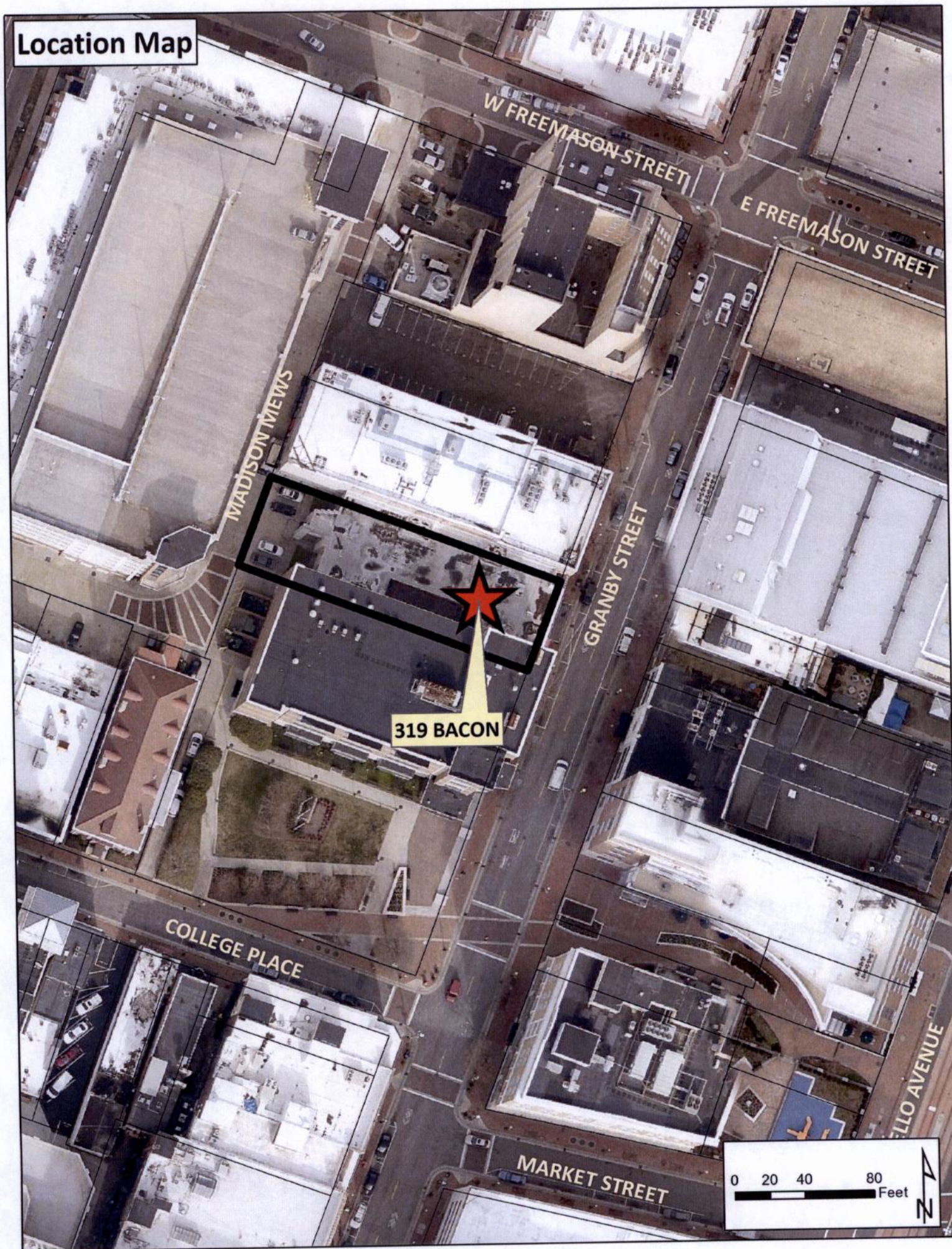
810 Union Street, Room 508

Norfolk, Virginia 23510

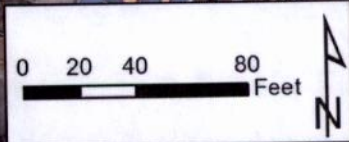
Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

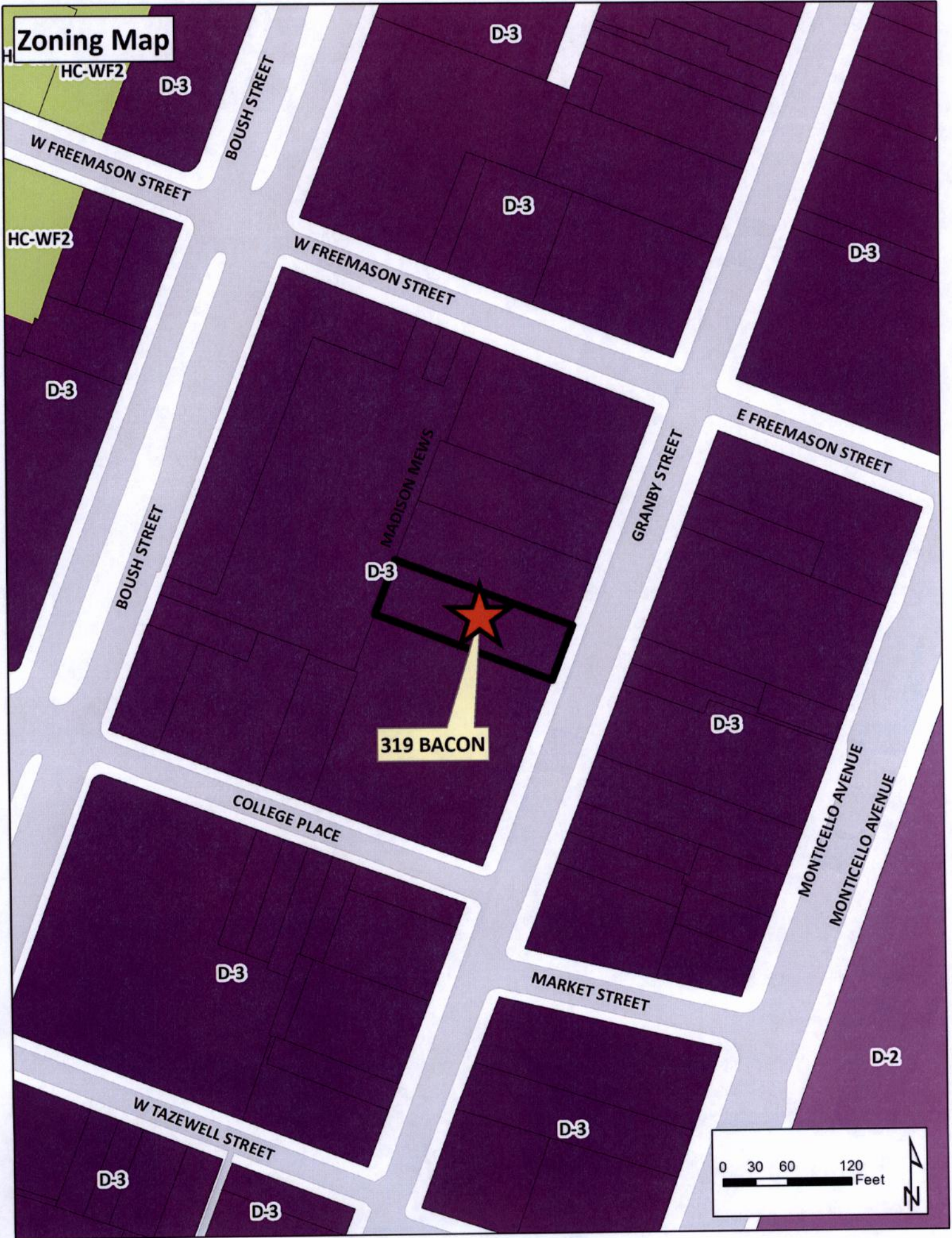
Location Map



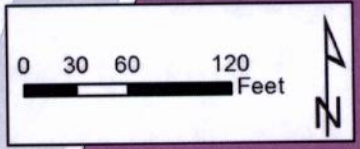
319 BACON



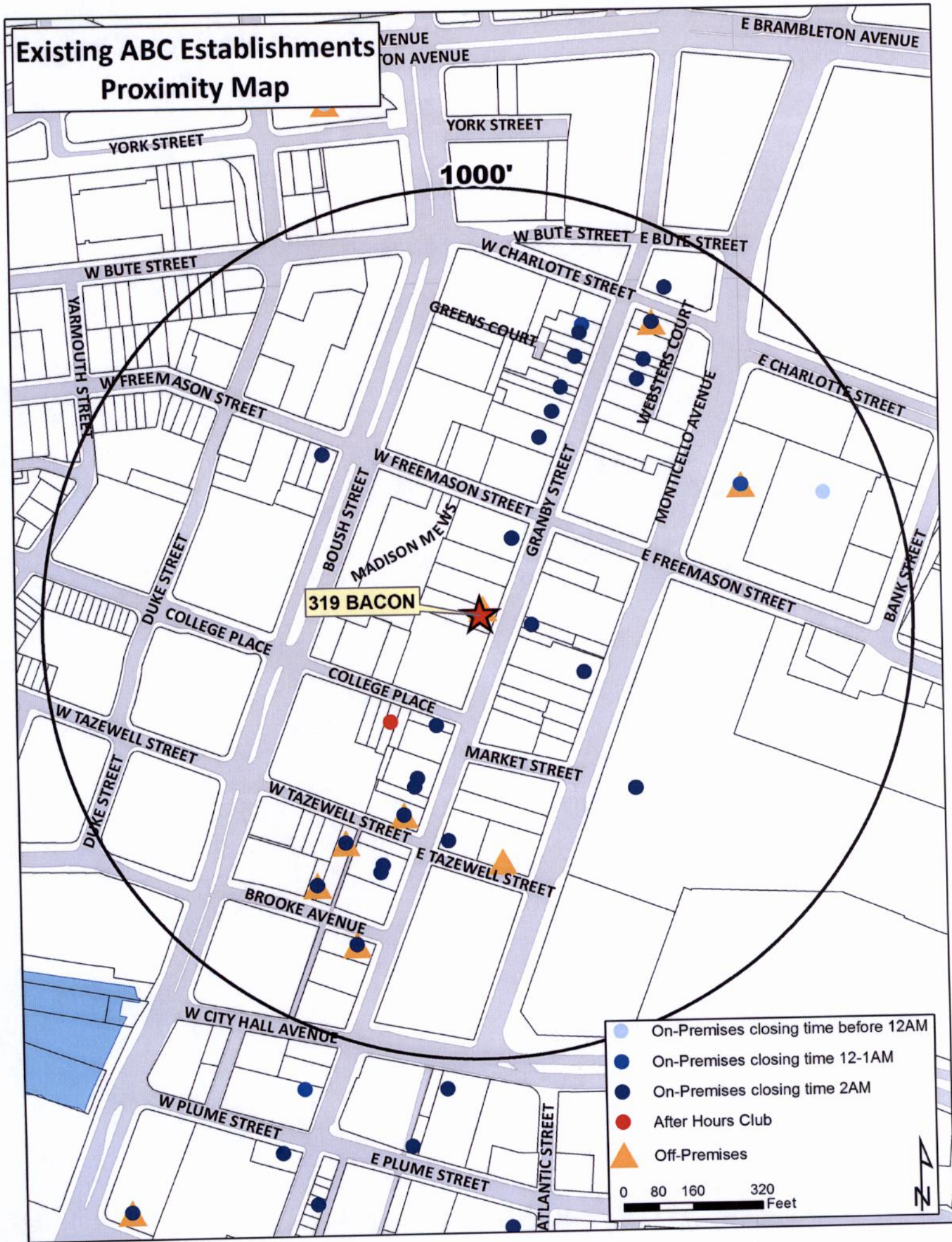
Zoning Map



319 BACON



Existing ABC Establishments Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)**

Date 18 May 15

DESCRIPTION OF PROPERTY

Address 319 GRANBY St

Existing Use of Property RESTAURANT

Proposed Use RESTAURANT

Current Building Square Footage 1400

Proposed Building Square Footage same

Trade Name of Business (if applicable) 319 Bacon

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

926 FOOD INNOVATION, INC

1. Name of applicant: (Last) NIN (First) DANIEL (MI) A

Mailing address of applicant (Street/P.O. Box): 2232 W Berrie Cir

(City) Virginia Beach (State) VA (Zip Code) 23455

Daytime telephone number of applicant (757) 9953088 Fax ()

E-mail address of applicant: dnin58@gmail.com

Application
Eating and Drinking Establishment
Page 2

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) HEW (First) Rick (MI) 5

Mailing address of applicant (Street/P.O. Box): 1400 GRAY SF

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant () 645-6905 Fax () _____

E-mail address of applicant: Rickhearn consulting@gmail.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) DEY, JR. (First) ARMISTEAD (MI) W.

Mailing address of property owner (Street/P.O. box): 322 MADISON NEWS

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of owner (571) 625-6401 email: ted@afri.com

CIVIC LEAGUE INFORMATION

Civic League contact: _____

Date(s) contacted: _____

Ward/Super Ward information: _____

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: ARMISTEAD W. DEY, JR. Sign: [Signature] 5.15.15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: DANIEL NAW Sign: [Signature] 5.18.2015
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: RICK HEWITT Sign: [Signature] 5.18.2015
(Authorized Agent Signature) (Date)

**Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)

23

Number of bar seats

9

Standing room

0

b. Outdoor

Number of seats

10

c. Number of employees

7

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 49

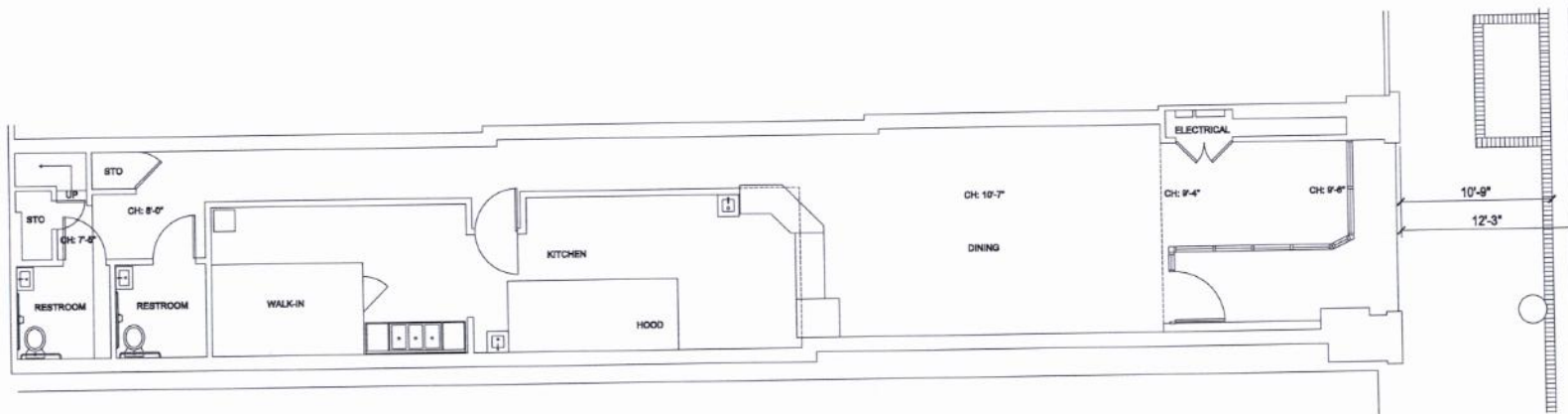
DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

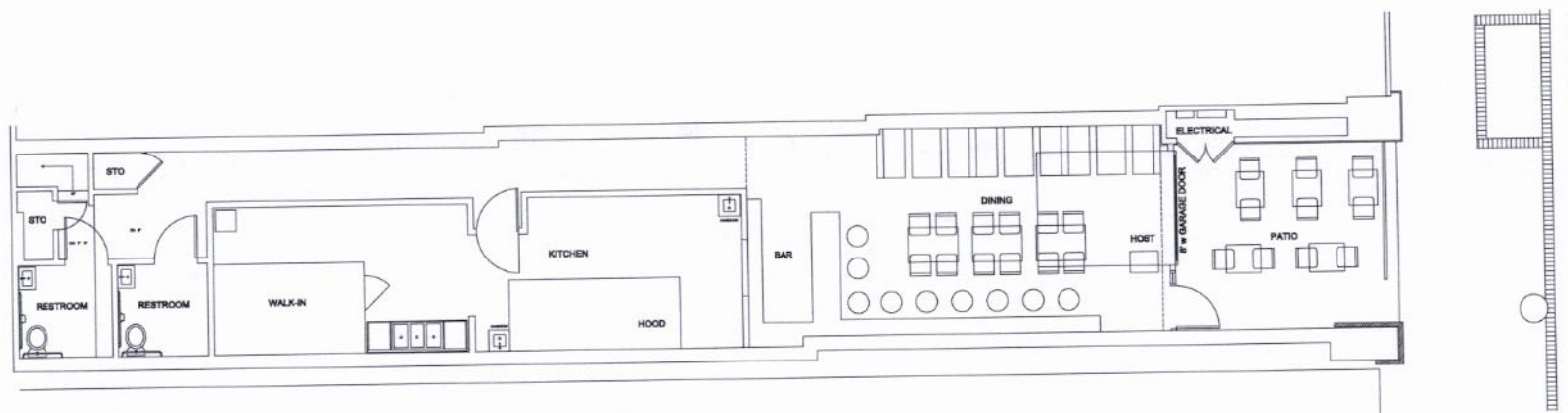
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



2 OVERALL EXISTING FLOOR PLAN
 1/8" = 1'-0"



1 OVERALL PROPOSED FLOOR PLAN
 1/8" = 1'-0"

319 BACON
 319 GRANBY STREET NORFOLK, VA 23510

11 MAY 2015
 DATE
 OVERALL PLANS

A-101

